

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 20-282(3) (PAM/ECW)

UNITED STATES OF AMERICA,

Plaintiff,

v.

GOVERNMENT’S TRIAL BRIEF

LEROY LEMONTE PERRY
WILLIAMS, JR.,

Defendant.

The United States of America, by and through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Nathan H. Nelson and Chelsea A. Walcker, Assistant United States Attorneys, respectfully submits this trial brief in the above-referenced matter.

I. Introduction

On the evening of August 26, 2020, the Defendant joined a large crowd that had gathered in downtown Minneapolis following a false rumor regarding police involvement in the death of a homicide suspect on Nicollet Mall earlier that evening. The Defendant first stopped at the Speedway Gas Station in downtown Minneapolis to join others burglarizing the store. Approximately two hours later, he joined others who had gathered at the Target corporate headquarters building located at on Nicollet Mall. The Defendant was downtown not to peacefully protest or “sage all the negative energy out the air,” (Dkt. 243 at 2), but to damage and burn businesses in downtown Minneapolis during the mayhem that evening. The Defendant’s acts that

evening culminated in attempting to set fire at the Target Corporation's headquarters building.

II. The Charges and Offense Elements

The Defendant is charged by indictment with Arson, in violation of Title 18, United States Code, Section 844(i). The crime of Arson has three elements: (1) the Defendant maliciously damaged, *or attempted to damage*, the Target Corporation headquarters building; (2) the Defendant did so by fire; and (3) at the time of the fire, the Target Corporation headquarters building was used in interstate or foreign commerce or was used in an activity affecting interstate commerce. *See* 18 U.S.C. § 844 (emphasis added).

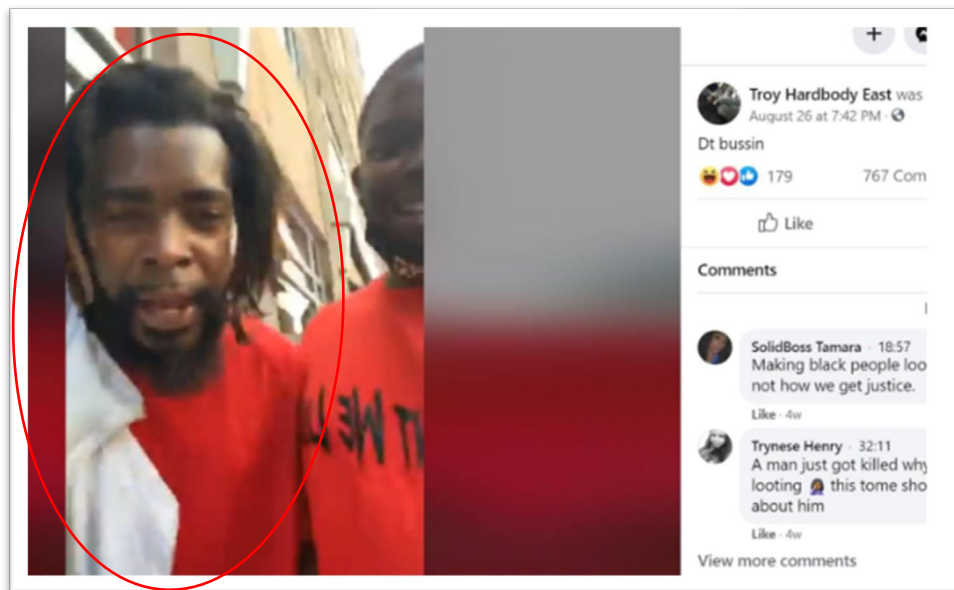
III. Summary of Anticipated Facts

The Defendant was a frequent shoplifter and trespasser at the Target retail store located at 900 Nicollet Mall in downtown Minneapolis. The security team at the Target store had encountered the Defendant in excess of fifty times, and observed him doing such things as harassing guests, throwing merchandise, fighting, refusing to leave, and being belligerent with security personnel. The security team had to kick him out of their store or arrest him on several occasions.

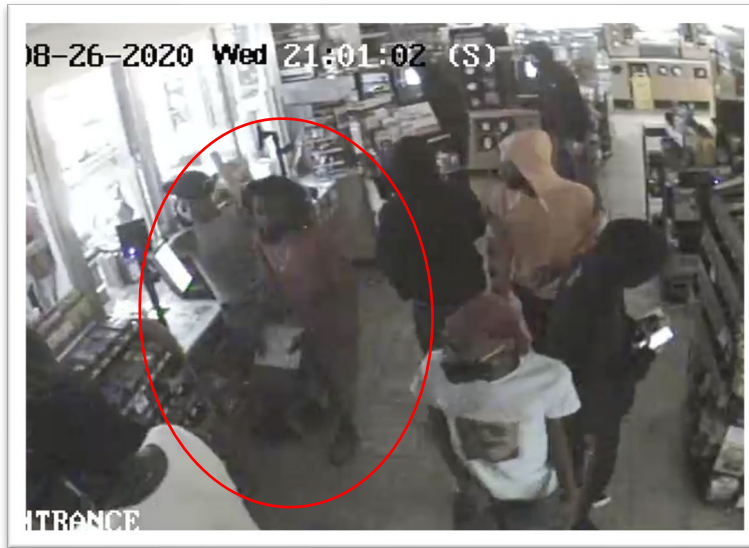
On the evening of August 26, 2020, hundreds of individuals gathered in downtown Minneapolis following false rumors regarding police involvement in the death of a homicide suspect on Nicollet Mall earlier that evening when, in fact, the suspect had committed suicide. Almost immediately after the false rumors began to circulate, the Minneapolis Police Department released surveillance footage

demonstrating that the death was a suicide. Community activists worked to dispel the false rumors amongst the crowds downtown. Nonetheless, crowds continued to gather and what had been a mostly peaceful protest turned destructive and violent. In response to the rioting, looting, and property damage that followed, a curfew and state of emergency were announced, thousands of law enforcement officers from across the state were deployed, and the Minnesota National Guard was mobilized.

The Defendant joined the growing mob in downtown Minneapolis that evening. He did so to engage in opportunistic and exploitive acts of property destruction, not peaceful protest. The Defendant was first identified in downtown Minneapolis at approximately 7:55 p.m. when he was captured in a Facebook video posted by Facebook user “Troy Hardbody East” outside the Target retail store located at 900 Nicollet Mall in downtown Minneapolis:



Approximately one hour later, at approximately 9:00 p.m., the Defendant was captured on video surveillance looting with others inside the Speedway Gas Station located at 101 Grant Street West in downtown Minneapolis:



Approximately two hours later, shortly before 11:00 p.m., the Defendant was captured on surveillance footage amongst a crowd outside of the Target Headquarters¹ located at 1000 Nicollet Mall in downtown Minneapolis:

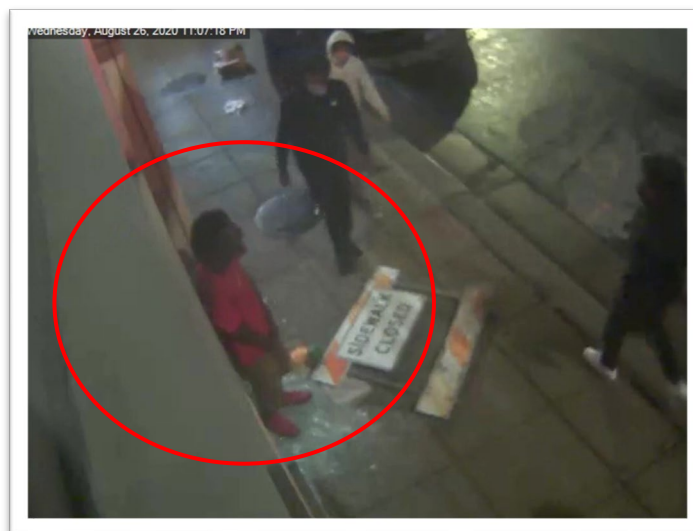


¹ The Target Headquarters building is located just one block south of the Target retail store at which the Defendant was a frequent trespasser and shoplifter.

At approximately 11:06 p.m., the Defendant was captured on video picking up a cardboard box and attempt to light it on fire using a device that produced a flame consistent with a lighter:



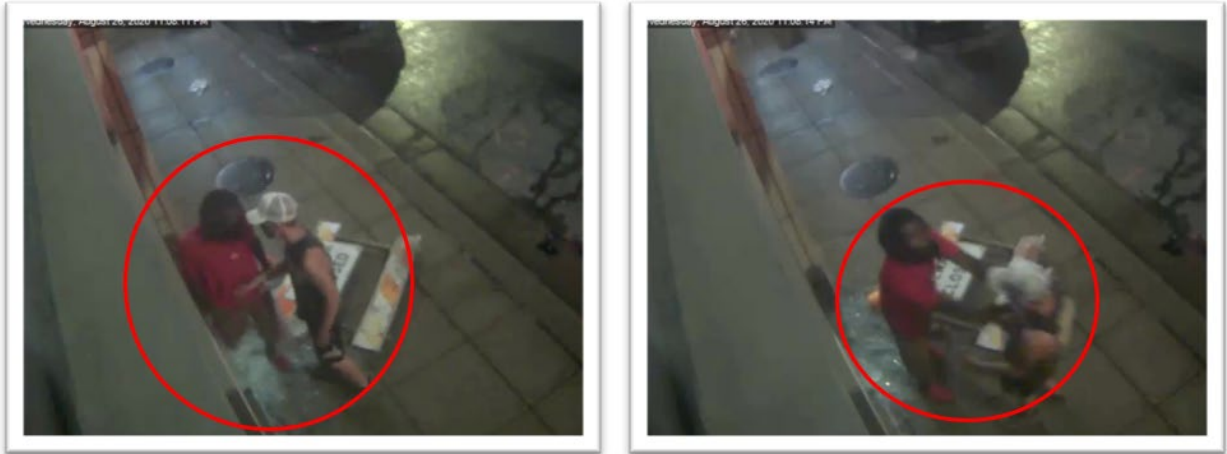
The Defendant walked to the Target Headquarters building entrance door and leaned inside. He put the lit cardboard and other combustibles in the vestibule area inside of the building. The Defendant then stood with his back against the door, looking around.



City of Minneapolis and Target Headquarters video surveillance footage showed Williams lean back inside the door and make additional attempts to reignite the cardboard and combustibles on fire.

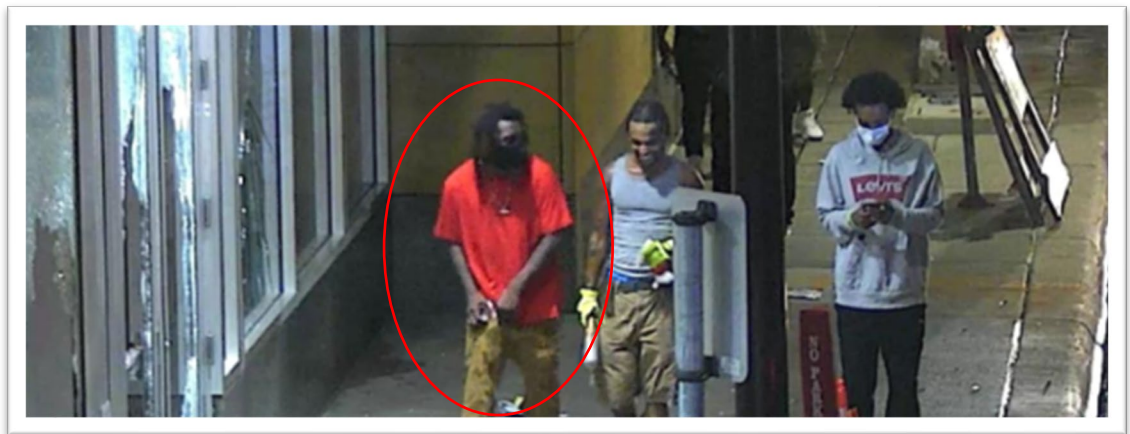


The Defendant may have been successful in igniting the fire had he not been interrupted by a passerby. Video surveillance footage showed an unidentified white male confront the Defendant while the Defendant was inside the doorway, attempting to set fire to the cardboard inside of the vestibule area. The Defendant responded aggressively to the unidentified male and shoved him several times.



The Defendant then made several more largely unsuccessful attempts to start a fire inside the vestibule area before leaving the area.

At approximately 11:17 p.m., the Defendant walked away from the Target Headquarters building:



The Defendant was later identified by law enforcement officers based on his physical appearance and the clothing he was wearing on the evening of August 26, 2020. The Defendant's identification was further corroborated by the Defendant's previous booking identifiers.

On January 1, 2021—after being federally indicted in this case—the Defendant entered the Target retail store, located at 900 Nicollet Mall in Downtown Minneapolis, and attempted to intimidate and threaten Target employee Heather Henning due to her involvement in this case. Ms. Henning was employed as a member of the Loss Prevention Team at Target Corporation, and was identified as a witness in the investigation. As Ms. Henning reported to law enforcement, the Defendant was not allowed inside the store and was trespassing due to previous shoplifting incidents. At approximately 3:20 p.m., the Defendant entered the retail store and when he saw Ms. Henning, began yelling at her in an attempt to intimidate her as a witness in this investigation (he yelled at her for, example, “You reported me to the ATF, you little bitch,” “Your name is all over the ATF paperwork,” “Now I have a fed charge, you little bitch,” “You fucking ratted me out,” and other statements).

IV. The Trial

A. Counsel

The government will be represented at trial by the following Assistant United States Attorneys:

Nathan H. Nelson
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B. Length of Trial

The government estimates that its case-in-chief, inclusive of jury selection and charging, will last two trial days.

C. Witnesses

The government anticipates calling approximately five witnesses. The witnesses can be divided into the following general categories.

1. *Law Enforcement Witnesses*

Law enforcement investigators and special agents will testify regarding the events of August 26, 2020, and the investigation into the Defendant, including (1) the collection and analysis of surveillance video footage from downtown Minneapolis on August 26, 2020 and (2) the identification of the Defendant from surveillance video by analysis of evidence from social media and other sources, among other related topics. It is anticipated that during the trial there will video of the Defendant in downtown Minneapolis on the evening of August 26, 2020, and testimony regarding the same. Absent stipulations, other law enforcement witnesses may testify regarding topics such as chain-of-custody and authenticity of records.

2. *Civilian Witnesses*

Two lay witnesses may testify about the events of August 26, 2020. These witnesses are representatives of Target Corporation and will testify regarding interactions with the Defendant at the Target retail store in downtown Minneapolis before and after the incident, the Target videos provided to law enforcement, and the Target Headquarters' role in interstate commerce.

3. *Expert Witnesses*

The government intends to call one expert witness at trial, which the government noticed to defense counsel on September 21, 2023. If called,

ATF Certified Fire Investigator Nicole Hajny will testify regarding her observations and conclusions regarding the fire set at the Target Corporation headquarters building in downtown Minneapolis.

D. Exhibits

The government intends to introduce exhibits at trial that fall into the following two general categories:

1. *Video Evidence*

The government intends to offer video evidence, including City of Minneapolis Milestone surveillance video, Target Corporation surveillance video, Speedway Gas Station surveillance video, and a Facebook video.

2. *Photographic Evidence*

The government intends to offer a variety of photographs, including still images or screenshots drawn from video surveillance footage referenced above, and some photographs of the damage to the Target Corporation headquarters building.

V. Government's Motions in Limine

On October 10, 2023, the government filed its motions in limine. (*See* Docket No. 338.) The government made the following motions in limine:

- (1) Motion to preclude the defense from referencing possible punishment;
- (2) Motion to preclude the defense from offering or referring to the Defendant's hearsay statements;
- (3) Motion to admit the Defendant's felony convictions if he testifies;
- (4) Motion to admit the Defendant's conviction for false statement if he testifies;
- (5) Motion to preclude the defense from referencing jury nullification;

- (6) Motion to preclude the defense from referencing selective or vindictive prosecution;
- (7) Motion to preclude the defense from referencing controversies regarding the use of force by police officers;
- (8) Motion to preclude defense experts and reference to alleged video tampering; and
- (9) Motion to sequester witnesses.

Dated: October 10, 2023

Respectfully Submitted,

ANDREW M. LUGER
United States Attorney

/s/Chelsea A. Walcker

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NATHAN H. NELSON
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Assistant United States Attorneys